

REMARKS

Claims 1-22 and 35-40 are pending in the present application. In this amendment, Applicants traverse all rejections, amend claims 1, 22, 35, and 40, and add new claims 49-52.

In the Office Action mailed February 5, 2004, the Examiner rejected claims 1-2, 6-7, 10-21, 35-36, and 38-40 under 35 U.S.C. §103(a) as being unpatentable over Sakoda (US Patent 6,519,292) in view of Mirfakhraei (US Patent 6,570,912). Claims 3-5, 22, and 37 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sakoda and Mirfakhraei, and further in view of Jankiraman (IEEE PIMRC 2000). Claim 8 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Sakoda and Mirfakhraei, and further in view of Linz (US Patent 6,219,377). Finally, claims 9 and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sakoda and Mirfakhraei, and further in view of Kalofonos (IEEE 1998).

Claim Amendments

Applicants maintain that a *prima facie* case of obviousness has not been made regarding the claims in the present application. The references in combination do not teach all elements of the Applicants' claims, nor is there an established motivation to combine, as is shown under the discussion of the §103 (a) rejections below. In the interest of efficient prosecution, however, Applicants amend independent claims 1, 22, 35, and 40 to add the feature "wherein the particular gain is responsive to a power control command of a particular multiple access power control scheme." This feature is described in the specification as originally filed and is not taught in any of the cited references in combination with the other elements in Applicants' claims.

§103 (a) Rejections

Regarding claims 1-2, 6-7, 10-21, 35-36, and 38-40, Sakoda in combination with Mirfakhraei does not teach or recite the application of the power gain for the symbol stream as in Applicants' claim. The gain in Mirfakhraei is for transmission from a hybrid modem or a transceiver to a host computer, not a power gain responsive to power control for a multiple

access communications system as in Applicants' claims. Furthermore, there is no motivation to combine Sakoda with Mirfakhraei. Mirfakhraei teaches a receiver architecture for transforming time domain signals to the frequency domain. Combining elements of a receiver architecture with the transmitter architecture in Sakoda would leave both Sakoda and Mirfakhraei inoperable. Therefore, because no *prima facie* case of obviousness has been made, claims 1-2, 6-7, 10-21, 35-36, and 38-40 are allowable.

Claims 3-5, 22, and 37 are also allowable because Sakoda and Mirfakhraei are not combinable and do not teach all of the purported claim elements as mentioned above. Furthermore, Jankiraman does not teach a cover code, but rather a PN code that controls the step of the frequency synthesizer for a frequency hop spread spectrum signal. This use of a PN code is distinct from the cover code in Applicants' claims which is directly applied to the time domain symbols. Therefore, there is no *prima facie* case of obviousness for claims 3-5, 22, and 37 based on this combination of references.

Claim 8 is also allowable because Sakoda and Mirfakhraei do not teach all claim elements in combination with Linz as is clear from the discussion of Sakoda and Mirfakhraei above.

Claims 9 and 13 are allowable because Sakoda and Mirfakhraei do not teach all claim elements in combination with Kalofonos as is also clear from the discussion of Sakoda and Mirfakhraei above.

New Claims

Applicants add new claims 49-52. These claims have ample support in the specification as originally filed (e.g. paragraphs [1089] to [1091]). The feature of power gain responsive to the particular rate of a variable rate system is not taught in any of the cited art.

REQUEST FOR ALLOWANCE

In view of the foregoing, Applicants submit that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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